



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Atty. Docket No.: 98-541-K)

PATENT

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TC 1700

First Named Inventor: Towne)

Application No.: 09/800,689)

Filing Date: March 7, 2001)

Title: Automated Immunohistochemical
and *in situ* Hybridization Assay
Formulations)

Examiner: M. Wallenhorst

Group Art Unit: 1743

Confirmation No.: 5052

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CONSENT OF THE ASSIGNEE PURSUANT TO 37 C.F.R. § 1.48(a)(5)

Commissioner:

As a duly appointed representative of the assignee authorized to act on behalf of the assignee in this matter, the undersigned consents to the request to correct the inventorship in the patent application identified above. The recorded assignment executed by the originally named inventors is located at Reel Number 011787, Frame Number 0772.

Huw R. Jones
Director of Intellectual Property
Ventana Medical Systems, Inc.

7/2/03

Date

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Automated Immunohistochemical and *in situ* Hybridization Assay Formulations

the specification of which is attached hereto unless the following space is checked:

☒ was filed on March 7, 2001 as United States Application Serial Number 09/800,689.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.	PCT/US99/20353		03 September 1999

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/099,018	September 3, 1998

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.	09/721,096	November 22, 2000	pending
2.	09/259,240	February 26, 1999	pending

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: **020306**

Principal attorney or agent: Mark L. Chael

Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Penny Towne

Inventor's signature: Penny Towne

Date: 7/18/03

Residence: 9120 North Crane Hawk Place, Tucson, Arizona 85742

Citizenship: U.S.A.

Post Office Address: 9120 North Crane Hawk Place, Tucson, Arizona 85742

Full name of second joint inventor: Joseph Uermohlen

Inventor's signature: Joseph Uermohlen

Date: 7/31/03

Residence: 5357 East 19th Street, Tucson, Arizona 85711

Citizenship: U.S.A.

Post Office Address: 5357 East 19th Street, Tucson, Arizona 85711

Full name of third joint inventor: Chad Wilkinson

Inventor's signature: Chad Wilkinson

Date: 7-7-03

Residence: 8140 North Camino de la Viola, Tucson, Arizona 85741

Citizenship: U.S.A.

Post Office Address: 8140 North Camino de la Viola, Tucson, Arizona 85741

Full name of fourth joint inventor: Paula Rodgers

Inventor's signature: Paula M. Rodgers

Date: 7-18-03

Residence: 4338 East Whitman Street, Tucson, Arizona 85711

Citizenship: U.S.A.

Post Office Address: 4338 East Whitman Street, Tucson, Arizona 85711

Full name of fifth joint inventor: Kimberly Christensen

Inventor's signature: [Signature]

Date: 7/10/03

Residence: 8742 East Waverly, Tucson, Arizona 85712

Citizenship: U.S.A.

Post Office Address: 8742 East Waverly, Tucson, Arizona 85712

Full name of sixth joint inventor: Ethel Macrea

Inventor's signature: [Signature]

Date: 7/7/03

Residence: ~~4740 North Brookview Drive, Tucson, Arizona 85705~~ MC3 Box 1023, 22191 S. Branch Rd

Citizenship: U.S.A.

Post Office Address: ~~4740 North Brookview Drive, Tucson, Arizona 85705~~

MC3 Box 1023, 22191 S. Branch Road, Tucson, AZ 85739

Full name of seventh joint inventor: Noemi Sebastiao

Inventor's signature: [Signature]

Date: 8/1/2003

Residence: ~~1500 East Pusch Wilderness Drive, #4260, Tucson, Arizona 85737~~

Citizenship: ~~U.S.A.~~ Canadian

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STATEMENT PURSUANT TO 37 C.F.R. § 1.48(a)(2)

Commissioner:

The undersigned state that inventorship error in the application identified above occurred without deceptive intention.

Penny Towne 7/18/03
Penny Towne Date

Chad Wilkinson 7-7-03
Chad Wilkinson Date

Kimberly Christensen 7/10/03
Kimberly Christensen Date

Noemi Sebastiao 8/1/03
Noemi Sebastiao Date

Joseph Utermohlen 7/31/03
Joseph Utermohlen Date

Paula Rodgers 7/18/03
Paula Rodgers Date

Ethel Macrea 7/7/03
Ethel Macrea Date